

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 4, 10, 14, 15, 16, 21, 22, 23 and 24 are currently being amended. New claim 26 is being added. Claims 1-26 remain in the case.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Replacement sheets of drawing are included for Figures 6c and 7a, as well as marked-up sheets showing the changes. These changes are responsive to the errors in the drawings helpfully pointed out in the Office Action.

Claims 14, 17, 18, 21, 22 and 24 have been amended to remove the informalities noted in the Office Action, and it is believed that these claims are in full compliance with 35 U.S.C. § 112, ¶2. Minor corrections have been made to the other amended claims.

Applicants gratefully acknowledge the indication in the Office Action that claims 17, 18 and 23 are directed to patentable subject matter. In light of the foregoing amendments, it is believed that claims 17 and 18 are now *prima facie* allowable. Claim 23 now depends directly from claim 1, rather than claim 21; however, it is believed that this change does not affect its allowability.

The rejection of original claims 1, 4-14, 16, 20, 24 and 25 as being anticipated by Kawada et al. '221 (hereinafter "Kawada") is respectfully traversed insofar as it may be applied to amended claim 1 or any claim depending from claim 1.

The flow paths 124 and 60 of Kawada referred to in the Office Action are both flow paths for supplying viscous fluid from a reservoir into the working space. The structure and the mode of operation of the Kawada device are therefore different from the claimed

invention. See also claims 8, 9 and 26, particular. Claim 1 is not anticipated by Kawada, and the rejection of claims 1, 4-14, 16, 20, 24 and 25 should therefore be withdrawn.

Applicants also respectfully request reconsideration of the various grounds of rejection applied to certain dependent claims under 35 U.S.C. § 103, based upon Kawada taken together with another, secondary reference, i.e., Light '442 (claims 3 and 21), Blair '668 (claim 15) and Herrle et al. '594 (claims 21 and 22). None of the secondary references remedies the deficiencies noted above in the primary reference to Kawada, and for this reason alone, claims 3, 15, 21 and 22 are believed to also be in condition for allowance. Therefore, withdrawal of the rejections based on § 103 is also respectfully requested.

Newly added claim 26 is directed to the preferred aspect of the present invention according to which the first and second flow paths are located circumferentially on either side of the flow resistance element. See, e.g., Fig. 3b.


Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: March 7, 2005

By 

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5414  
Facsimile: (202) 672-5399

Richard L. Schwaab  
Attorney for Applicant  
Registration No. 25,479

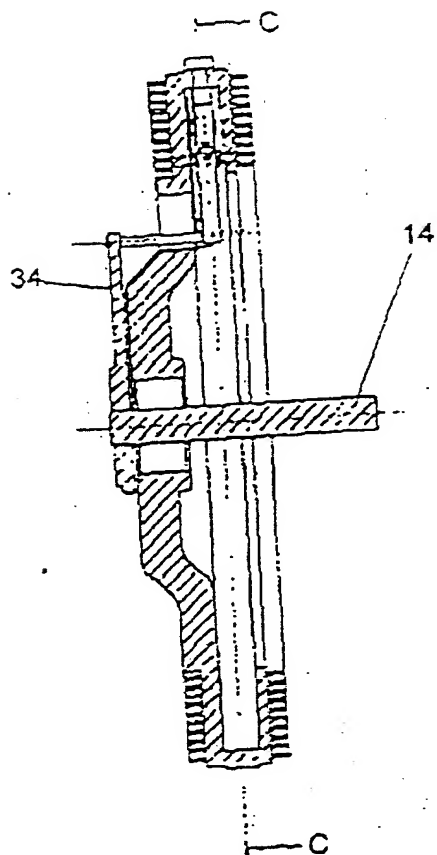


Fig. 6a

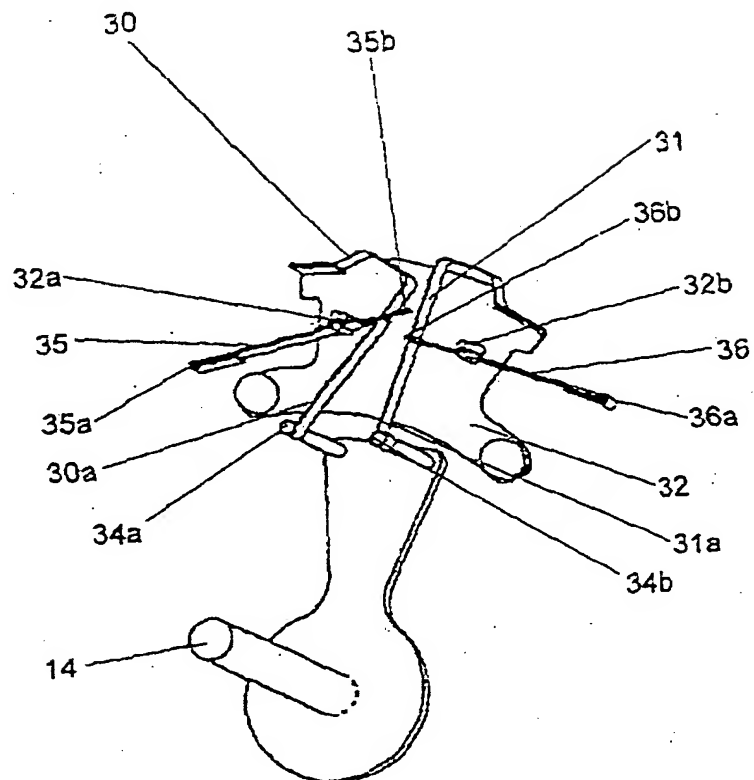


Fig. 6b

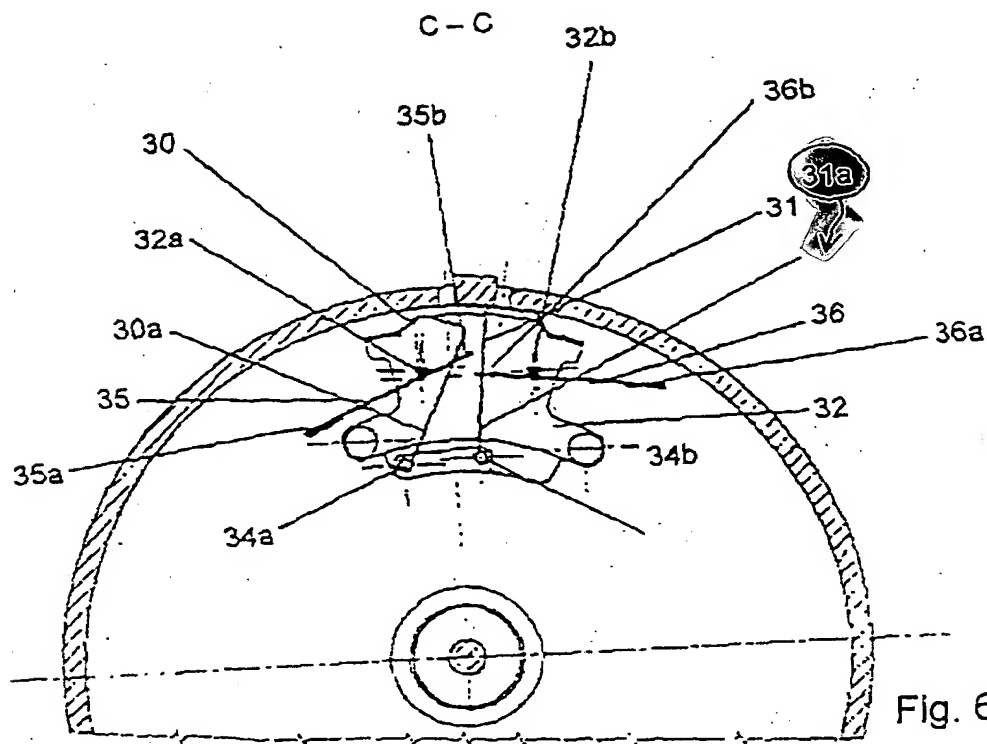


Fig. 6c

